



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 20 2008

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Certified Mail #7004-1160-0002-3622-8905

In Reply Refer To:

EPA File No. 14R-05-R4

[REDACTED]
P.O. Box 530515
St. Petersburg, FL 33747

Re: Rejection of Administrative Complaint

Dear [REDACTED]:

This letter is in response to your administrative complaint filed with the U.S. Department of Justice (DOJ) on February 17, 2005. On August 24, 2005, DOJ referred your complaint to the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR). Your complaint alleges that the University of Florida (University) and the "local EPA" committed an "Environmental Injustice." Specifically, you allege that the University illegally disposed of hazardous waste on your property and that the "local EPA" failed to take enforcement action against the University, in violation of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7.

OCR is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA. Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of discrimination complaints to determine acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, or disability). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

After careful consideration, OCR has concluded that it cannot accept the complaint for investigation because it does not meet the jurisdictional requirements

described in EPA's nondiscrimination regulations. For the reasons explained below, OCR must reject your complaint.

Your complaint alleges that the University illegally disposed of hazardous waste on your property and that the "local EPA" failed to take enforcement action against it. OCR requested clarification of the date that the University allegedly disposed of hazardous waste on your property. Your attorney replied that "regardless of when the dumping took place, my client was not aware of the violations by the University of Florida until November 2004." Your attorney, however, provided neither any information about how you became aware of the alleged dumping nor any basis for waiving the jurisdictional time requirement.

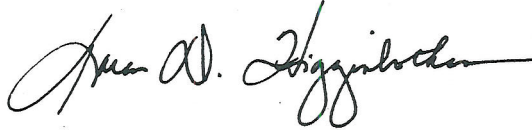
OCR has read the copy of the November 7, 1996, letter from the Florida Department of Environmental Protection (FDEP) that you received and enclosed with your complaint. This letter provided you with notice of the possibility of contamination of your property. It also explained the groundwater assessment being conducted by FDEP to determine the extent of the groundwater contamination and which properties were affected. The contamination was confirmed through an Environmental Assessment Report issued during or before October 2003. EPA's regulations require complaints be filed within 180 days of any alleged discriminatory act. Here, any date that has been provided to OCR which could be tied to the possibility of groundwater contamination was more than 180 days before the complaint was filed. OCR cannot accept this allegation for investigation because it does not meet the jurisdictional requirement of timeliness.

Your complaint also alleges that "[t]he Environmental Protection Agency has not enforced any criminal or civil action, for the university environmental crimes, no remediation/clean up has ever taken place at the site." When OCR asked for clarification regarding whether this allegation was directed at the U.S. EPA or a local environmental agency in Florida, your attorney responded: "local EPA." OCR cannot accept this allegation for investigation. OCR cannot accept discrimination complaints against the U.S. EPA, including any EPA regional offices. Further, even if the allegation was meant to be asserted against FDEP, a state agency, the allegation fails to provide any relevant dates or to explain a discriminatory act with any particularity.¹ Because this allegation does not meet the jurisdictional requirements, OCR cannot accept it for investigation.

¹ In addition, in October 2003, FDEP and the University entered into a consent order requiring the University to clean up the contamination. There is nothing to indicate that this consent order has not been followed.

If you have questions regarding this letter, please contact Ericka Burwell of the OCR External Compliance Program at (202) 343-9224, via electronic mail at burwell.ericka@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen D. Higginbotham", with a long horizontal flourish extending to the right.

Karen D. Higginbotham
Director

Enclosure

cc: Nancy Tommelleo, Title VI Coordinator
EPA Region 4

Stephen G. Pressman, Associate General Counsel
Civil Rights Law and Finance Office (MC 2399A)

Darryle E. Rouson, Attorney
Law Offices of Rouson and Dudley, P.A.